

"An Act adding two new sections to Article 7174 of the Revised Civil Statutes of 1925 and providing that the owner of any real estate in this State may file with the tax assessor a statement describing any liens thereon and that thereupon such owner shall be taxed only upon the equity owned in said real estate, that said lien shall be assessed as other real property against the owners thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, October 4, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. C. R. No. 4, a resolution relative to a modified resolution relating to the qualifications of teachers passed by the State Board of Education.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, October 4, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 67, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, whether created by General or Special Law, or county boards of trustees and board of such districts; validating all proceedings and acts of said board of trustees, heretofore taken by such boards of trustees; validating all bonds voted, authorized and/or sold and/or now outstanding of said districts; validating all tax

levies made in behalf of said districts; making certain exceptions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, October 4, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 36, A bill to be entitled "An Act amending Section 1 of Chapter 12, Acts of the Forty-second Legislature, defining the offense of kidnapping for extortion, ransom or robbery so as to provide for capital punishment regardless of whether the person kidnapped, detained or enticed away is returned by the defendant without serious bodily injury; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODRUFF, Chairman.

## SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

October 5, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Greer:

S. B. No. 74, A bill to be entitled "An Act fixing the maximum amount of fees which county clerks can receive under the provisions of the Maximum Fee Bill in counties having a prescribed population; and declaring an emergency."

Read and referred to Committee on Counties and County Boundaries.

By Senator Martin:

S. B. No. 75, A bill to be entitled "An Act making appropriations to pay contingent expenses of State prosecuting attorneys before the Court of Criminal Appeals; and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Woodruff and Neal:

S. B. No. 76, A bill to be entitled "An Act providing for the levy and collection of special taxes in certain common and independent school districts in this State because of insolvency; and providing that the State Board of Education by, and with the advice of the Attorney General, shall determine when such district or districts are insolvent, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

By Senators Poage, Woodul, and Woodruff, by request:

S. B. No. 77, A bill to be entitled "An Act, the purpose of which is to provide for the general welfare in an emergency hereby declared to exist by effectuating the purposes of the National Recovery Act within this State with reference to the milk industry, by eliminating unfair competitive practices therein, and by insuring the sanitary and healthful production and distribution of fluid milk and sweet cream; defining fluid

milk, sweet cream, butter fat and milk distributors; providing for the regulations of the sale and distribution of milk and sweet cream in city or town in which the distribution of milk is governed by a standard ordinance, rule or regulations and providing for a certificate of authority to be issued by the Commissioner of Agriculture authorizing the distribution of milk and sweet cream in such city or town; preventing the sale of milk and sweet cream below cost; preventing the discrimination in price between different producers or distributors or between different sections; providing it to be the duty of the Commissioner of Agriculture to recommend codes of fair competitive practices for the milk industry; providing fees to be paid by the distributors which shall be used in the enforcement of this Act; providing penalties for violation of the provisions of this Act, and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Pace:

S. B. No. 78, A bill to be entitled "An Act to amend Articles 1111, 1112, 1113 and 1114, of the Revised Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-second Legislature, and as amended by Chapter 122, Acts of the Forty-third Legislature, Regular Session; providing for the character of repairs and extensions necessary to render efficient service which shall be a first lien and charge upon the incomes of the particular utility which is repaired or extended, providing for proper records to be kept of income and expenses, providing a penalty for failure to maintain such records, providing that bonds issued under the provisions of this Act may be approved by the Attorney General and registered by the Comptroller, declaring projects carried out under the terms of this Act to be self-liquidating, repealing laws in conflict herewith, providing that this law shall take precedence over conflicting charter provisions, validating all actions by cities and towns and their officials in authorizing and delivering securities to accomplish

the object of this Act, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 79, A bill to be entitled "An Act to amend Title 52, Eminent Domain, of the Revised Civil Statutes of Texas by adding Article 3264b to follow 3264a, defining the powers of the Board of Regents of The University of Texas when acting as trustees of a trust for scientific, educational, philanthropic, charitable or other public purposes, and to confer upon them the power of eminent domain, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 80, A bill to be entitled "An Act to authorize the Board of Regents of The University of Texas to execute bond in a sum not in excess of one million two hundred thousand dollars, to obtain funds with which to complete the Main Building of The University of Texas; to pledge that part of the available University fund arising from grazing and other surface leases of University lands to secure same; and to authorize said Board to make contracts for the construction of dormitories, and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Martin:

S. B. No. 81, A bill to be entitled "An Act making an appropriation of two thousand and five hundred dollars for the building, installing, and operating of a new cotton lint sterilizing machine for treating baled cotton in the pink bollworm infested area of the State as a clearance of trade on such cotton, in compliance with the Pink Bollworm Law, Title 4, Volume 1, Chapter 3, Revised Civil Statutes of Texas 1925, and declaring an emergency."

Read and referred to Committee on Finance.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 39, A bill to be entitled "An Act to validate all ad valorem tax levies heretofore made by incorporated cities and towns in the State of Texas which levies are unenforceable because of the failure of the governing bodies of such respective incorporated cities and towns to make such levy or levies by ordinance, and which are unenforceable because of the failure of such governing bodies to appoint the statutory board of equalization, and where the city council, city commission, or other governing body of such incorporated city or town have acted as a board of equalization in the fixing of the valuation of taxable property for ad valorem taxes within any such incorporated city or town, etc., and declaring an emergency."

H. B. No. 41, A bill to be entitled "An Act amending Article 2529, Chapter 1, Title 47, Revised Civil Statutes of 1925, as amended by Chapter 57, First Called Session, Fortieth Legislature, as further amended by Chapter 124, General Laws, Regular Session, Forty-first Legislature, and as further amended by S. B. No. 551, Chapter 240, General Laws, Regular Session, Forty-third Legislature, to authorize the State Depository Board to accept warrants drawn against the General Revenue Fund of the State as collateral to secure deposits made by the State in State depositories, etc., and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act fixing the seasonal bag limit on wild deer during the open season in Comal County, for a period of one (1) year from and after the passage of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 64, A bill to be entitled "An Act to prohibit the sale or lease of a machine gun or submachine gun, and defining same, or the barter, exchange, or trade of same to any person, except he be the Adjutant General of the State of Texas, the duly qualified and commissioned sheriff of a county, a duly qualified and commissioned constable of a county, or a duly qualified and commissioned chief of police of any

municipality within the State; prescribing a penalty for the violation thereof, and declaring an emergency."

H. B. No. 79, A bill to be entitled "An Act amending Chapter 101, of the Special Laws of the Regular Session of the Forty-third Legislature, prohibiting the taking, killing, or possession of wild fox for the purpose of barter or sale, and prohibiting the use of steel traps for taking fur-bearing animals in certain counties, and declaring an emergency."

H. B. No. 93, A bill to be entitled "An Act granting the Commissioners Court of Childress County, Texas, power to use all or any part of the interest collected on notes held by the said Childress County against Childress County school land in Bailey and Cochran Counties, Texas, etc., and declaring an emergency."

H. B. No. 108, A bill to be entitled "An Act to provide that where a majority of the resident taxpayers being qualified electors of any city or town in this State having a population in excess of ten thousand (10,000) inhabitants, having voted at an election held in such city or town in favor of the expending of public funds in such city or town in carrying out the provisions of Chapter 10, General Laws of the Thirty-sixth Legislature, Regular Session, etc., and declaring an emergency."

H. B. No. 142, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery County, Waller County, Polk County, and San Jacinto County, Texas; prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court, and from said Special Ninth District Court to the Court of the Ninth Judicial District; providing for the appointment of an assistant district attorney to prosecute cases in said Court, making an appropriation for his salary, etc., and declaring an emergency."

H. B. No. 88, A bill to be entitled "An Act to amend H. B. No. 555, Chapter 216, Acts of the Regular

Session of the Forty-third Legislature, relating to salaries of county commissioners, and providing from what funds said salaries shall be paid, and making certain exceptions; providing the effective date of this Act shall be January 1, 1934; repealing all laws, both general or special, and parts of laws, both general or special, in conflict herewith, and making certain exceptions; and defining term 'assessed valuation.'"

H. B. No. 11, A bill to be entitled "An Act making an appropriation, to be paid out of the General Revenue Fund of the State of Texas, the sum of two thousand five hundred dollars (\$2,500.00), not otherwise appropriated, to pay for an electric frigid unit for the Governor's Mansion; to build a retaining wall on the north side of the grounds of the Governor's Mansion; to fill the low places on the north side of the grounds, and to do such other work as may be necessary, and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act amending Section or Subsection 12, of Article 199, of the Revised Civil Statutes of 1925, as amended in 1931; and changing the times of holding the terms of the district courts in the Twelfth Judicial District of Texas; and changing the length of terms of the district courts of certain of the counties in said judicial districts; and enacting necessary provisions with reference to processes, writs, bonds, recognizances, and with reference to grand petit jurors made necessary by the changes made by this Act, and validating and legalizing the same; providing that this Act shall take effect January 1, 1934, and declaring an emergency."

H. B. No. 83, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, fawn, wild turkey, or pheasant for a period of five (5) years in the County of Erath, State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill, by any means whatsoever, any wild deer, buck, doe, fawn, wild turkey, or pheasant for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

H. B. No. 87, A bill to be entitled "An Act prohibiting the use of a seine or net for taking fish from any

of the waters of Bastrop County, excepting a minnow seine for the purpose of taking bait; providing a penalty, and declaring an emergency."

H. B. No. 102, A bill to be entitled "An Act providing for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than seven thousand six hundred and forty-five (7,645) and not more than seven thousand six hundred and ninety (7,690) population, according to the last preceding Federal Census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 103, A bill to be entitled "An Act providing for the pledging of local school funds from district taxes and other local sources to be used to pay the interest and sinking fund on a loan or loans from the Federal Government for certain purposes; authorizing the pledging of annual tax receipts by the board of trustees; authorizing the making of contracts with lenders upon certain terms, etc., and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Red River County, except a seine or net of not less than two-inch square mesh; or a minnow seine for the purpose of taking bait; providing a penalty; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 120, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Section 7, Acts of the Fourth Called Session of the Forty-first Legislature, and as further amended by Chapter 94, Section 1, of the Regular Session of the Forty-second Legislature, and declaring an emergency."

H. B. No. 127, A bill to be entitled "An Act amending Chapter 220, Acts of the Forty-third Legislature, Regular Session, page 734, by adding thereto Section 5-b (Article 3886-b), providing for the maximum compensation of assistant county attorneys in all counties in this State having a population of one hundred thousand and one (100,001) inhabitants, and not more than one hundred and fifty thousand (150,000) inhabitants,

and containing two cities of fifty thousand (50,000) population or more, each according to the last preceding Federal census, etc., and declaring an emergency."

S. B. No. 34, A bill to be entitled "An Act to amend S. B. No. 488, Chapter 74, pages 95 to 98, inclusive, of the Special Laws of Texas, Acts of the Regular Session of the Forty-third Legislature of the State of Texas, approved May 16, 1933; which Act was amendatory of S. B. No. 54, Chapter 17, pages 262 to 265, inclusive, Acts of the Fourth Called Session of the Thirty-fifth Legislature of the State of Texas, approved March 25, 1918; which said last mentioned Act was amendatory of Sections 12 and 16 of the Special Road Law of Smith County, Texas, passed by the Regular Session of the Thirty-third Legislature and known as Chapter 70 of the Special Laws of said Thirty-third Legislature, and which is also amendatory of Section 3 of Chapter 8 of the Special Road Law of Smith County, Texas, passed at the Regular Session of the Thirty-fourth Legislature and approved February 16, 1915, so as to further provide that the commissioners' court of Smith County, Texas, shall provide for the transportation of the county convicts who may be ordered to work on said roads, and for the transportation from place to place in the county of the various employees and hands, laborers, mechanics and artisans who may be employed on the roads and bridges of Smith County, Texas, as well as the transportation of the members of the court in the inspection and general supervision of the roads and bridges of Smith County, Texas, by providing for the purchase by the court of such motor vehicles, motor trucks and trailers as may appear reasonably necessary and proper by said court for said purposes and further providing for the necessary and incidental expenditures for the maintenance and upkeep of said motor vehicles as may be provided by said court, and declaring an emergency."

S. B. No. 21, A bill to be entitled "An Act amending Section 79 of Article 199, Title 8 of the Revised Civil Statutes of 1925, creating the 79th Judicial District of Texas, as amended by the Acts of the Regular Session of the Forty-second Legisla-

ture, page 876, chapter 370, Section 1, so as to change the terms of and time of holding the terms of District Court in Starr, Brooks, Duval and Jim Wells Counties, Texas, etc., and declaring an emergency."

S. B. No. 41, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 77,777 nor more than 78,000 according to the last Federal census."

(With amendments.)

S. B. No. 56, A bill to be entitled "An Act to vest in the United States Government fee simple title to 20.8 acres of land in Jefferson County, Texas, more fully described herein; and declaring an emergency."

H. C. R. No. 27, Granting permission to the Honorable J. D. Campbell, Judge of the Sixtieth District Court of Jefferson County, Texas, to be absent from the State of Texas at such intervals and for such time as he may deem fit and proper during the year of 1934.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Sub-Committee Excused.

On motion of Senator Woodward, the sub-committee of the Committee of the Whole working on the unemployment relief bill, was excused from the sessions of the Senate until the writing of the bill was completed.

#### House Bill No. 53.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 53, A bill to be entitled "An Act to amend Section 6, Chapter 88, of the General Laws of the Forty-first Legislature, Second Called Session, by adding thereto, Section 6-a, so as to reduce registration license fees on commercial motor vehicles, without trailers or semi-trailers, when same are used exclusively by the owner thereof in the transportation of his poultry, dairy, live stock, and farm products, grown or produced by him, to market or to other points for processing, and for the transportation of supplies by the owner of such commercial motor vehicle from place of purchase to his own farm or ranch for his ex-

clusive use; prescribing penalties for violation thereof, and declaring an emergency."

Read second time.

Senator Poage sent up the following amendments:

Amend H. B. No. 53 by renumbering present Section 2 so that it shall hereafter be known as Section 3, and by adding to said bill a new section to be known as Section 2, to read as follows:

Section 2. That Section 2, Chapter 88 of the General Laws of the Second Called Session of the Forty-first Legislature, be amended so as to hereafter read as follows:

"Section 2. Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State, and each chauffeur, shall apply each year to the State Highway Department through the county tax collector of the county in which he resides for the registration of each such vehicle owned or controlled by him, or for a chauffeur's license, for the ensuing or current calendar year or unexpired portion thereof; provided, however, that owners of farm tractors, farm trailers, farm-semi-trailers, and implements of husbandry, operated or moved temporarily upon the highways at a rate of speed not exceeding six miles per hour shall not be required to register such farm-tractors, farm-trailers, farm-semi-trailers, or implements of husbandry, provided, however, that such farm-trailers and farm-semi-trailers are operated in conformity to all provisions of the law save and except the requirements as to registration and license and providing further that the exemptions in this section shall not apply to any farm-trailer or farm-semi-trailer when the gross weight exceeds 4,000 pounds; provided that no farm-trailer or farm-semi-trailer with metal tires shall be permitted to operate at a speed in excess of fifteen miles per hour and further provided that the exemptions in this section shall not apply to any farm-trailer or farm-semi-trailer with steel tires of a width less than three inches operating in excess of fifteen miles per hour, and providing further that the exemption in this section shall not apply to any farm-trailer or farm-semi-trailer when the same is used

for hire, provided, however, it should be unlawful to operate any trailer or semi-trailer at nights without a rear red light or reflector, and provided further that no commercial motor vehicle or truck shall be exempt from the payment of annual license fees for registration, provided in Section 6A of this Act."

POAGE.

Read and adopted.

Amend caption to comply to body of bill.

Poage.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 53 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.

Absent—Excused.

Martin.	Small.
Rawlings.	Woodward.
Redditt.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.

Absent—Excused.

Martin.	Small.
Rawlings.	Woodward.
Redditt.	

### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. B. No. 38.	H. C. R. No. 14
H. B. No. 59.	H. C. R. No. 9.
H. B. No. 65.	H. C. R. No. 29
H. B. No. 45.	

### House Bills Referred.

H. B. No. 108, read and referred to Committee on Civil Jurisprudence.

H. B. No. 88, read and referred to Committee on Counties and County Boundaries.

H. B. No. 39, read and referred to Committee on Civil Jurisprudence.

H. B. No. 110, read and referred to Committee on Game and Fish.

H. B. No. 67, read and referred to Committee on Judicial Districts.

H. B. No. 142, read and referred to Committee on Judicial Districts.

H. B. No. 127, read and referred to Committee on Counties and County Boundaries.

H. B. No. 120, read and referred to Committee on Counties and County Boundaries.

H. B. No. 103, read and referred to Committee on Educational Affairs.

H. B. No. 102, read and referred to Committee on Educational Affairs.

H. B. No. 93, read and referred to Committee on State Highways and Motor Traffic.

H. B. No. 87, read and referred to Committee on Game and Fish.

H. B. No. 83, read and referred to Committee on Game and Fish.

H. B. No. 79, read and referred to Committee on Game and Fish.

H. B. No. 64, read and referred to Committee on Criminal Jurisprudence.

H. B. No. 62, read and referred to Committee on Game and Fish.

H. B. No. 41, read and referred to Committee on Banks and Banking.

H. B. No. 11, read and referred to Committee on Finance.

H. C. R. No. 27, read and referred to Committee on Judicial Districts.

**Motion to Concur.**

On motion of Senator Hornsby, the Senate concurred in the House amendments to S. B. No. 41 by the following vote:

Yeas—26.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.

Absent—Excused.

Martin.	Small.
Rawlings.	Woodward.
Redditt.	

**House Bill No. 18.**

Senator Woodul called up from the table:

H. B. No. 18, A bill to be entitled "An Act to amend Article 3886, of the Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, by reducing in the aggregate the amount of salaries of employees in the office of the criminal district attorneys in counties having a population in excess of 355,000 inhabitants, and fixing the compensation of such employees so as to provide an adequate staff for said offices in said counties; providing for the payment of certain of said employees by said counties from the general funds of such counties; etc., and declaring an emergency."

The bill was passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 18 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Cousins.
Blackert.	DeBerry.
Collie.	Duggan.

Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.

Absent—Excused.

Martin.	Small.
Rawlings.	Woodward.
Redditt.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Poage.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.

Nays—2.

DeBerry.	Purl.
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Absent—Excused.

Martin.	Small.
Rawlings.	Woodward.
Redditt.	

**S. C. R. No. 11.**

The Chair laid before the Senate: S. C. R. No. 11, Relative to Mrs. C. B. Spooner suing the State.

Read and adopted.

Senator Poage asked to be recorded as voting "No."

**House Bill No. 54.**

Senator Pace called up from the table:

H. B. No. 54, A bill to be entitled "An Act amending Article 6032, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts of the Forty-second Legislature, First Called Session, and by Chapter 162, Acts of the Forty-third Legislature, imposing a tax of one-tenth of one cent per barrel on crude petroleum



oil; appropriating the proceeds of such tax to the Railroad Commission of Texas to be used in carrying out its duties in connection with the conservation laws of this State relating to oil and gas; providing for the employment of supervisors, assistants, and other employees by the Commission and for the payment of their salaries, and declaring an emergency."

Committee Amendment No. 1 adopted.

Senator Pace sent up the following substitute for Committee Amendment No. 2:

Substitute for Committee Amendment No. 2 to H. B. No. 54:

Amend H. B. No. 54, Section 3, page 2, so that said section being amended shall read as follows:

"Section 3. The Railroad Commission of Texas is hereby authorized and directed in addition to the employees specifically provided for by the General Appropriation Act of the Forty-third Legislature for the Oil and Gas Division of said Commission, to employ not to exceed the following personnel: not more than four chief guagers at a salary not to exceed \$1380.00 each per year; not more than fifteen guagers at a salary not to exceed \$1350.00 each per year; not more than five inspectors at a salary not to exceed \$1900.00 each per year; not more than four assistant deputy supervisors at a salary not to exceed \$1680.00 each per year; not more than six bookkeepers at a salary not to exceed \$1380.00 each per year; not more than four stenographers at a salary not to exceed \$1200.00 each per year; not more than five statistical or filing clerks at a salary not to exceed \$1320.00 each per year; and not more than three other employees for any other position not specifically provided herein at a salary not exceeding \$1500.00 each per year. It is expressly provided that these additional positions are authorized only in the event that the funds provided for herein are sufficient to provide for such additional employees out of said funds after providing for the payment of those employees authorized for the Oil and Gas Division in the General Appropriation bill, and none of the additional employees as set out herein

are to be paid out of the general revenue of the State."

PACE,  
PURL.

Read and adopted.

The amendment as substituted was adopted.

The bill was passed to third reading.

On motion of Senator Pace the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 54 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Neal.
Blackert.	Oneal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.

Absent—Excused.

Martin.	Small.
Rawlings.	Woodward.
Redditt.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Neal.
Blackert.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Fellbaum.	Purl.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Stone.
Hornsby.	Woodruff.
Moore.	Woodul.

Nays—4.

Collie.	Poage.
Murphy.	Sanderford.

Absent—Excused.

Martin.	Small.
Rawlings.	Woodward.
Redditt.	

## Senate Bill No. 64.

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 64, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, etc., and declaring an emergency."

Read second time.

Senator Woodruff moved the previous question on the further consideration of the bill.

Senator Collie raised the following point of order:

Mr. President:

I raise the point of order on the consideration and passage of S. B. No. 64 for the reason it is contrary to the provisions of the Constitution and Laws of the United States, which provide that Congressional redistricting shall be made for a term of ten years, and Texas was redistricted according to law during the Regular Session of the Forty-third Legislature and in the present year.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order.

The motion for the previous question prevailed.

The bill was passed to engrossment.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 64 was put on its third reading and final passage by the following vote:

## Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

## Yeas—26.

Beck.	Patton.
Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Hopkins.	Russek.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

## Nays—5.

Collie.	Hornsby.
DeBerry.	Murphy.
Holbrook.	

## Message from the House.

Hall of the House of Representatives,  
Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 26, A bill to be entitled "An Act providing that all lands south of parallel of latitude 29° 25' north, lying and being situated in Brewster and Presidio Counties, heretofore or hereafter purchased by the State for delinquent taxes and which are not redeemed within the time prescribed by law shall become the property of the State of Texas for park purposes, and shall be under the control of the Texas State Parks Board; providing for the execution of deeds to the State of Texas for park purposes and for filing of certified copies in the General Land Office and the keeping of certain records by the Commissioner of the General Land Office; providing for the exchange or sale of said lands and execution of necessary instruments of conveyance or transfer; etc., and declaring an emergency."

H. B. No. 35, A bill to be entitled "An Act to make provision for: 1—(Section 1). The adoption of a home rule charter by counties in Texas, upon a vote of the qualified resident electors of such counties, all as provided in Section 3, Article IX, of the Constitution of the State of Texas; reference to such provisions of the Constitution here is made to the same effect as though it were em-

bodied herein; etc., and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 32.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 32, A bill to be entitled "An Act to aid the city of Palacios and the village of Collegeport, both situated in Commissioner's Precinct Number 3 of Matagorda County, Texas, in constructing and maintaining sea walls, breakwaters, shore protection, in order to protect said city and village from calamitous overflows by donating to them eight-ninths (8-9) of the ad valorem taxes collected on all property, both real and personal, in Commissioner's Precinct Number 3 of Matagorda County, Texas, for a period of thirty years; providing for a commission to construct such sea walls, breakwaters and shore protection; providing for compensation for members of said commission; providing a penalty for misapplication of the moneys thus donated; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time.

#### House Bills Referred.

H. B. No. 26, read and referred to Committee on State Affairs.

H. B. No. 35, read and referred to Committee on State Affairs.

#### Recess.

On motion of Senator Moore, the Senate, at 11:57 o'clock a. m., recessed until 2 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 21. S. B. No. 34.  
S. B. No. 41. S. B. No. 56.

#### Messages From the Governor.

Executive Office,  
Austin, Texas, October 4, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Laird, I submit for your consideration a bill, hereto attached, to be entitled: "An Act authorizing the State Board of Reclamation Engineers of the State of Texas to plan and execute the creation and laying out of State parks in cooperation with the National Park Service of the Department of Interior."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 4, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Laird, I herewith submit for your consideration the attached bill, to be entitled: "An Act making an appropriation of Fifteen Thousand Dollars (\$15,000.00) or so much thereof as may be necessary to be used by the State Parks Board in maintaining the parks created by the National Park Service in order for Texas to receive money from the Federal Government to aid the unemployed in Texas; providing for the expenditure of said appropriation, and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 4, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Senator Greer, I herewith submit for your consideration a bill hereto attached, to be entitled: "An Act fixing the maximum amount of fees which County Clerks can receive under the provisions of the Maximum Fee Bill in counties having a prescribed population; and declaring an emergency."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 4, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representative Jefferson, I herewith submit for your consideration the bill hereto attached, to be entitled: "An Act amending Section 13, Chapter 88, Acts of 1929, General Laws, 41st Legislature of Texas, 2nd Called Session, Page 172, providing that the Highway Department shall issue or cause to be issued license number plates for each motorcycle, road tractor, trailer, semi-trailer and for any other vehicle registered under said Act, and describing how and where and when the license number plates shall be intricately attached to said described vehicle."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 5, 1933.  
To the Forty-third Legislature in  
First Called Session:

At the request of Senator Will D. Pace, I submit herewith for your consideration the attached bill, being: "An Act to amend Articles 1111, 1112, 1113 and 1114, of the Revised Civil Statutes of Texas for 1925, and amendments thereof as passed by the Fortieth Legislature, and as amended by Chapter 32, Acts of the Third Called Session of the Forty-Second Legislature, and as amended by Chapter 122, Acts of the Forty-third Legislature, Regular Session."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 5, 1933.  
To the Forty-third Legislature in  
First Called Session:

By the request of Representative Pat Jefferson I hereby submit for your consideration the attached bill, being: "An Act providing that no person, firm, corporation, association, partnership, contractor or sub-contractor performing any public work for the State, or for any county, municipality, or other political subdivision of this State shall employ any person who is not a citizen of the United States; providing forfeitures as a penalty for violation

of this Act; providing that any public body may withhold any penalties assessed against a contractor, and that any contractor may withhold from any sub-contractor sufficient sums to cover any penalties withheld from the contractor by the awarding body under the terms of this Act; providing that if any part of this Act shall be declared unconstitutional, the remaining provisions shall remain in full force and effect; making such employment of an alien a misdemeanor and providing punishment therefor; defining terms used in this Act."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 5, 1933.  
To the Forty-third Legislature in  
First Called Session:

By request of Representatives Merritt, McDougald and Scott, I submit for your consideration a bill hereto attached, to be entitled: "An Act to amend Subdivision 23 of Article 7047, Chapter 1, Title 122 of the Revised Civil Statutes, State of Texas, 1925, as amended by Acts 1931, 42nd Legislature Regular Session, page 355, Chapter 212, Section 1, relating to an occupation tax on coin operated vending machines, marble table machines, and similar devices within the scope of the subdivision; providing such funds to be placed to the credit of the State Available School Funds."

Respectfully submitted,  
MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,  
Austin, Texas, October 5, 1933.  
To the Forty-third Legislature in  
First Called Session:

At the request of Representatives McDougald, Parkhouse, and Ross, I submit for your consideration a bill, hereto attached, to be entitled: "An Act to amend Article 3722 of the Revised Statutes of Texas, 1925, providing for the furnishing of papers, documents, instruments or records filed in the offices of the Secretary of State, Attorney General, Land Commissioner, Comptroller, Treasurer, Adjutant General, Commissioner of Agriculture, Commissioner of Insurance, Banking Commissioner and State Librarian by said officials

to persons making application therefor, and likewise furnishing certified copies of facts contained in the papers, instruments, documents and records of their respective offices; providing that such certified copies shall be received in evidence in all cases in which the originals would be evidence; providing that where the laws of this State permit the filing of a copy of a paper, instrument, document, or record, in lieu of the original instrument, with one of the officials above named, then and in that event, a copy so certified of such copy so filed shall likewise be received in evidence in all cases in which the original instrument would be evidence; repealing all laws or parts of laws in conflict with the amendment herein provided for."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,

Austin, Texas, October 5, 1933.

To the Forty-third Legislature in First Called Session:

By request I submit for your consideration S. C. R. by Senator Fellbaum granting to the Grand Lodge of the Order of the Sons of Hermann in the State of Texas permission to bring suit against the State of Texas.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Office,

Austin, Texas, October 5, 1933.

To the Texas State Senate:

I ask the advice, consent and confirmation by the Senate of the following appointments:

To be Members of the Gonzales State Park Commission—

Mrs. J. M. Emler

Mrs. B. B. Hoskins, Sr.

Mrs. John C. Jones

all of Gonzales, Gonzales County, Texas.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

#### Invitation Extended.

Senator Hopkins extended to the Senate on behalf of himself and Representative Riddle an invitation to attend the Caldwell County Fair at Lockhart today.

#### Senate Bill No. 32.

The question recurred upon S. B. No. 32.

Senator Holbrook moved the previous question on the further consideration of the bill. The motion failed to receive the proper seconding.

Senator Moore sent up the following amendments:

Amend S. B. No. 32 as follows:

By adding after the word "provided" in line 15, page 2, the following: "it is further provided that any expense account incurred by said commissioners shall be itemized, filed in triplicate and sworn to before a notary public; one copy of the said expense statement shall be filed with the Commissioners' Court of Matagorda County, one copy shall be filed with the Treasurer of the City of Palacios, and one copy filed with the Comptroller of Public Accounts."

MOORE.

Read and adopted.

Amend S. B. No. 32 as follows:

By adding a new section to be known as Section 8a which shall read as follows:

Section 8a. In the event actual construction of the said sea wall and the water-breaks has not begun within twelve months after approval of this Act the said Act shall become null and void and of no effect.

MOORE.

Read and adopted.

Amend S. B. No. 32 as follows:

Sec. 8a. It is distinctly understood that no commission fee or brokerage of any kind or character shall be paid or allowed to any person, firm or corporation for service rendered or to be rendered in connection with the sale of any of the above described bonds, and all agencies and officers of the State are prohibited from authorizing any expenditure in connection with this section.

MOORE,  
PURL.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—22.

Beck.  
Blackert.

Cousins.  
Fellbaum.

Greer.	Patton.
Holbrook.	Rawlings.
Hopkins.	Redditt.
Hornsby.	Regan.
Martin.	Sanderford.
Moore.	Small.
Neal.	Stone.
Pace.	Woodul.
Parr.	Woodward.

## Nays—8.

Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Purl.
Murphy.	Woodruff.

## Absent—Excused.

Russek.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 32 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

## Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

## Yeas—22.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodul.
Neal.	Woodward.

7—Jour.

## Nays—8.

Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Purl.
Murphy.	Woodruff.

## Absent—Excused.

Russek.

## Message from the Governor.

Executive Office,

Austin, Texas, October 5, 1933.

To the Forty-third Legislature in First Called Session:

By request of the Board of Regents of the University of Texas, I hereby submit for your consideration the attached bill to be entitled: "An Act to amend Title 52, Eminent domain, of the Revised Civil Statutes of Texas by adding Article 3264b to follow 3264a, defining the powers of the Board of Regents of the University of Texas when acting as trustees of a trust for scientific, educational, philanthropic, charitable or other public purposes, and to confer upon them the power of eminent domain and declaring an emergency."

Also the attached bill to be entitled: "An Act to authorize the Board of Regents of the University of Texas to execute bonds in a sum not in excess of one million two hundred thousand dollars, to obtain funds with which to complete the Main Building of the University of Texas; to pledge that part of the available University Fund arising from grazing and other surface leases of University lands to secure same; and to authorize said board to make contracts for the construction of dormitories, and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

## S. C. R. No. 18.

Senator Neal sent up the following resolution:

Whereas, Officials of the Texas Centennial Commission and other prominent citizens of Texas will be in Austin on Friday morning at nine o'clock for a conference with the Governor of the Texas Centennial enterprise, and

Whereas, The Texas Centennial celebration is a platform demand, and has been authorized by an

amendment to the Texas Constitution, voted by the people with a majority of more than 90,000 votes, in November, 1932, and

Whereas, The entire Centennial organization is non-political, and is composed of patriotic citizens of the State, who desire to celebrate one hundred years of Texas independence and unparelled progress, and to show to the world her matchless resources, and to awaken in the hearts of all citizens of Texas a deeper appreciation of the State's wonderful history and traditions, now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That a joint session of the House and Senate be held in the House of Representatives at 11 o'clock on Friday, October 6, and be it further

Resolved that Hon. Cullen Thomas of Dallas, Chairman of the Texas Centennial Legislative Committee; Hon. Lowry Martin of Corsicana, Past President of the Texas Press Assn., in whose city the Centennial movement had its birth; Hon. Pat Neff of Baylor University, during whose administration as Governor of Texas the Centennial movement assumed definite and official form, and Hon. Walter Cline, President of the West Texas Chamber of Commerce, one of the most aggressive supporters of the Centennial of which Texas boasts, be invited to address the joint session.

NEAL,	GREER.
SMALL,	ONEAL,
RUSSEK,	DUGGAN,
BLACKERT,	PATTON,
WOODUL,	PACE,
PARR,	HOLBROOK,
FELLBAUM,	SANDERFORD.

The resolution was read.

By unanimous consent, the rule requiring resolutions to be referred before consideration was suspended.

The resolution was adopted.

Senator DeBerry asked to be recorded as voting "No."

#### Senate Bill No. 72.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senators Hornsby, Beck and Hopkins:

S. B. No. 72, A bill to be entitled "An Act creating a water conservation and reclamation district as a public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as 'The Colorado River Authority'; defining the territory of such district; prescribing the purpose, authority, powers and privileges of such corporation; providing for directors of the corporation, their term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, auditors, engineers and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations, and encumbering and pledging the property of the corporation; providing for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings; and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 72 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

DeBerry.

Absent—Excused.

Russek.

#### House Bill No. 103.

The Chair laid before the Senate  
by unanimous consent the following  
bill:

H. B. No. 103, A bill to be entitled  
"An Act providing for the pledging  
of local school funds from district  
taxes and other local sources to be  
used to pay the interest and sinking  
fund on a loan or loans from the  
Federal Government for certain pur-  
poses; authorizing the pledging of  
annual tax receipts by the board of  
trustees; authorizing the making of  
contracts with lenders upon certain  
terms; etc., and declaring an emer-  
gency."

The rule requiring committee re-  
ports to lie over one day was sus-  
pended by unanimous consent.

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

On motion of Senator Blackert the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 103 was put  
on its second reading by the follow-  
ing vote:

Yeas—30.

Beck.	DeBerry.
Blackert.	Duggan.
Collie.	Fellbaum.
Cousins.	Greer.

Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent—Excused.

Russek.

The bill was read second time and  
passed to third reading.

On motion of Senator Blackert the  
constitutional rule requiring bills to  
be read on three several days was  
suspended and H. B. No. 103 was put  
on its third reading and final passage  
by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed  
by the following vote:

Yeas—21.

Beck.	Patton.
Blackert.	Poage.
Cousins.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—3.

Collie.	Murphy.
DeBerry.	



Present—Not Voting.

Oneal.

Absent—Excused.

Duggan.  
Hopkins.  
Martin.

Rawlings.  
Sanderford.  
Small.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 54 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Harman, Metcalfe, Long, Walker and Wood.

The House has passed the following bills:

H. B. No. 46, A bill to be entitled "An Act providing for the creation of discharged convicts revolving fund, amending Article 6166-m, as passed by the Fortieth Legislature, 1927, Chapter 212, Section 14, providing for the payment of money into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; providing for reports of the condition of the discharged convicts revolving fund by the depositories, and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways, or bridges of the State of Texas, whether as a common carrier, contract, or charter carrier, or as a transportation agency or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip or to act as an intermediary in connection therewith as a broker for hire, agent, or otherwise, whereby the expense of a trip or trips is to be shared, or to solicit, induce, or encourage another to purchase an interest in a motor vehicle in violation of this Act unless the person, driver, or chauffeur in charge of the motor vehicle shall first comply with the laws of this State in connection with the obtaining of proper licenses; etc., and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act authorizing any county, political subdivision, or defined district thereof to hold an election for the purpose of determining whether it will repurchase any road bonds sold and outstanding at the time of the passage of this Act, out of unexpended and unpledged funds received from the original sale of said bonds, and providing that such election shall be ordered and held in the same form and manner provided for in voting such road bonds; providing for the cancellation and destruction of such road bonds upon repurchase by reason of such election; etc., and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 36.

Senator Woodruff asked unanimous consent to take up out of its regular order S. B. No. 36.

Objection was heard.

Senator Woodruff moved to suspend the regular order of business and take up S. B. No. 36. The motion prevailed by the following vote:

Yeas—23.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

Present—Not Voting.

DeBerry. Purl.

Absent.

Duggan. Martin.  
Hopkins.

Absent—Excused.

Russek. Woodward.  
Small.

The Chair laid before the Senate on its second reading the following bill:

By Senator Woodruff:

S. B. No. 36, A bill to be entitled "An Act amending Section 1 of Chapter 12, Acts of the Forty-second Legislature, defining the offense of kidnapping for extortion, ransom or robbery so as to provide for capital punishment regardless of whether the person kidnapped, detained or enticed away is returned by the defendant without serious bodily injury; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Woodruff the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.

Absent—Excused.

Russek.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Nays—2.

Martin.

Murphy.

#### House Bills Referred.

H. B. No. 46, read and referred to Committee on State Penitentiaries.

H. B. No. 63, read and referred to Committee on State Affairs.

H. B. No. 85, read and referred to Committee on Counties and County Boundaries.

#### Senate Bill No. 45.

The Chair laid before the Senate on its second reading the following bill:

By Senator Oneal:

S. B. No. 45, A bill to be entitled "An Act providing an open season or period of time for taking wild ducks, geese and/or brant; providing a bag limit and possession limit; providing a penalty for violation; repealing all laws insofar as they may conflict with any provision of this Act, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 45 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

Absent—Excused.

Martin.  
Small.

Woodward.

Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

## Absent—Excused.

Martin.	Woodward.
Small.	

## House Bill No. 68.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill, or attempt to kill by any means whatsoever, any wild turkey, wild chachalaca, or Mexican pheasant in the Counties of Guadalupe, Comal, Gonzales, and Wilson for a period of five (5) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 68 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Hopkins.
Blackert.	Hornsby.
Collie.	Moore.
Cousins.	Murphy.
DeBerry.	Neal.
Duggan.	Oneal.
Fellbaum.	Pace.
Greer.	Parr.
Holbrook.	Patton.

Poage.	Russek.
Purl.	Sanderford.
Rawlings.	Stone.
Redditt.	Woodruff.
Regan.	Woodul.

## Absent—Excused.

Martin.	Woodward.
Small.	

Read third time and finally passed by the following vote:

## Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

## Absent—Excused.

Martin.	Woodward.
Small.	

## Senate Bill No. 33.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 33, A bill to be entitled "An Act to appropriate the unexpended balance in the State Treasury on September 1, 1933, to the credit of a separate fund provided for by Section 9, S. B. No. 111 passed at the Second Called Session of the Forty-first Legislature; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Redditt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 33 was put on its third reading and final passage by the following vote:

## Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

## Absent—Excused.

Martin.	Woodward.
Small.	

Read third time and finally passed  
by the following vote:

## Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

## Absent—Excused.

Martin.	Woodward.
Small.	

## House Bill No. 21.

The Chair laid before the Senate  
by unanimous consent the following  
bill:

H. B. No. 21, A bill to be entitled  
"An Act authorizing the State Board  
of Education to create and establish  
school districts at military reserva-  
tions located within the State of  
Texas upon such terms and condi-  
tions as agreed upon by and be-  
tween said Board and the War De-  
partment of the United States Gov-  
ernment; etc., and declaring an  
emergency."

The bill was read second time and  
passed to third reading.

On motion of Senator Fellbaum  
the constitutional rule requiring bills

to be read on three several days was  
suspended and H. B. No. 21 was put  
on its third reading and final passage  
by the following vote:

## Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

## Absent—Excused.

Martin.	Woodward.
Small.	

Read third time and finally passed  
by the following vote:

## Yeas—28.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

## Absent—Excused.

Martin.	Woodward.
Small.	

## Senate Bill No. 58.

The Chair laid before the Senate  
on its second reading the following  
bill:

By Senators Cousins, Redditt, Pat-  
ton, Woodul, et al:

S. B. No. 58, A bill to be entitled  
"An Act to provide for the sale by  
the State to the City of Port Arthur,  
Texas, a municipal corporation, and  
its assigns, a certain tract or area of  
land situated in Jefferson County,  
Texas, same being submerged lands

constituting a part of the bed of Sabine Lake, retaining to the State all minerals therein; and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 58 was put on its third reading and final passage by the following vote:

**Yeas—28.**

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.

**Absent—Excused.**

Martin.	Woodward.
Small.	

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	

**Nays—1.**

DeBerry.

**Absent—Excused.**

Martin.	Woodward.
Small.	

**Senate Bill No. 5.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 5, A bill to be entitled "An Act prohibiting inquiry concerning the religion or religious affiliations of persons seeking employment or official position in the public schools, providing a penalty; and declaring an emergency."

Read second time.

Senator Holbrook sent up the following amendments:

Amend S. B. No. 5, by inserting after the word "Texas" at the end of Section 1 the following:

"except to inquire of the applicant whether or not he or she believes in the existence of a Supreme Being."

**HOLBROOK.**

Read and adopted.

Amend the caption of S. B. No. 5 by inserting after the words "public schools" the following:

"except to inquire of the applicant whether or not he or she believes in the existence of a Supreme Being."

**HOLBROOK.**

Read and adopted.

Senator Blackert sent up the following amendment:

Amend S. B. No. 5, by adding a new section, to be section 1-a as follows:

Section 1-a. No department, agency or commission or any agent or employee of the State shall have the right to inquire, request, or in any manner directly or indirectly indicate, require or request the religious affiliation of any applicant for any position. The same penalty as provided for violation of section one shall apply to this section. Amend caption to conform to this section.

**BLACKERT.**

Read and adopted.

The bill was passed to engrossment by the following vote:

**Yeas—18.**

Beck.	Martin.
Blackert.	Murphy.
Fellbaum.	Neal.
Holbrook.	Pace.
Hopkins.	Parr.

Patton.	Russek.
Poage.	Sanderford.
Redditt.	Stone.
Regan.	Woodul.

Nays—10.

Collie.	Hornsby.
Cousins.	Moore.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Woodruff.

Absent.

Oneal.

Absent—Excused.

Small. Woodward.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 5 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Nays—1.

Greer.

Absent.

Oneal.

Absent—Excused.

Small. Woodward.

Read third time and finally passed by the following vote:

Yeas—18.

Beck.	Parr.
Blackert.	Patton.
Fellbaum.	Poage.
Holbrook.	Redditt.
Hopkins.	Regan.
Martin.	Russek.
Murphy.	Sanderford.
Neal.	Stone.
Pace.	Woodul.

Nays—10.

Collie.	Hornsby.
Cousins.	Moore.
DeBerry.	Purl.
Duggan.	Rawlings.
Greer.	Woodruff.

Absent.

Oneal.

Absent—Excused.

Small. Woodward.

Message from the House.

Hall of the House of Representatives,  
Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 78, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41, in the County of Real; to place such indebtedness on a parity with bonds, warrants, and other evidences of indebtedness heretofore authorized to be paid out of the County and Road District Highway Fund; providing for the payment of such indebtedness to Real County in trust for Captain Charles Schreiner, his heirs, and legatees; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 90, A bill to be entitled "An Act to amend Subdivision 9, Article 2135, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts, 1931, Forty-second Legislature, page 375, Chapter 221, Section 2, so as to provide that in cities and towns having a population of one thousand (1,000) or more inhabitants, according to the last preceding United States Census, the active members of organized fire companies, etc., and declaring an emergency."

H. B. No. 145, A bill to be entitled "An Act amending Article 1041, of the Revised Code of Criminal Procedure of Texas, by adding thereto Article 1041-a, providing for the compensation of jailers and/or turnkeys in all counties in the State having a population of one hundred thousand and one (100,001) inhabitants and not more than one hundred

and fifty thousand (150,000) inhabitants, and containing two cities of fifty thousand (50,000) population or more, each according to the last preceding Federal Census, and declaring an emergency."

H. B. No. 146, A bill to be entitled "An Act to fix the salaries and compensation of county commissioners in counties with a population of not less than 22,296 nor more than 22,580, according to the last Federal Census, and providing for the manner and the fund from which said salaries shall be paid, and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act to amend Article 1970, Section 94-b, of the Revised Civil Statutes of 1925, as amended by Chapter 16, Section 6, of the Acts of the Forty-first Legislature, relating to the salary paid the official court reporter of the County Court at Law, of Harris County, Texas."

H. B. No. 100, A bill to be entitled "An Act making appropriation for the support and maintenance of the General Land Office, and particularly making an appropriation for a special audit to be made by or under the direction of the Commissioner of the General Land Office of all books and accounts of oil companies relative to the bonus and rentals due on sold public school lands, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Conferees Appointed.

The Chair announced the appointment of the following Senate conferees on H. B. No. 53:

Senators Oneal, Poage, Small, Duggan and Regan.

#### S. C. R. No. 19.

Senator Fellbaum sent up the following resolution:

Whereas, on January 27, 1927, the Grand Lodge of the Order of the Sons of Hermann in the State of Texas had a valid Builders' and Mechanics' Lien and Deed of Trust Lien on the following property:

"All those certain tracts, parcels and lots of land, located in the County of Harris, State of Texas, and being more particularly described as follows:

The south 50 feet of each of lots Nos. 13 and 14 and the adjoining 25 feet by 50 feet out of the east half of lot No. 12 all in block No. 28, in the subdivision of Hyde Park Addition to the City of Houston, on the south side of Buffalo Bayou, Harris County, Texas, said property having a total frontage of 50 feet on Euclid Avenue and extending westerly between parallel lines 125 feet for depth and being the same property which was conveyed by a deed of Victor Sager to Thomas Buckingham and wife, Anna S. Buckingham, by deed Sept. 24, 1921, which is recorded in Vol. 481, p. 484 of Deed Records of Harris County, Texas." to secure the payment of note in the amount of \$5530.69, executed by Thomas Buckingham and wife, Anna S. Buckingham, due on or before October 1, 1931, which said liens, land and notes are fully described in the mortgage records of Harris County, Texas, recorded in Vol. 338, page 180, to which reference is here made for further description; and

Whereas, While said liens were owned by said Grand Lodge and were in full force and effect, and while said note was unpaid, the State of Texas recovered a judgment in Cause No. 33, dated January 11, 1930, against the said Thomas Buckingham, et al., for Five Hundred Dollars, which judgment is recorded in Vol. 47, page 233 in the Abstract of Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in Cause No. 34, Dated January 11, 1930, against the said Thomas Buckingham, et al., for Five Hundred Dollars, which judgment is recorded in Vol. 47, page 234, in the Abstract of Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also a judgment in Cause No. 11462, dated January 11, 1930, against the said Thomas Buckingham, et al., for Five Hundred Dollars, which judgment is recorded in Vol. 47, page 246, Abstract of Judgment Records, Criminal District Court No. 2, Harris County Texas; and also recovered a judgment in Cause No. 11479, dated January 11, 1930, against the said Thomas Buckingham, et al., for Five Hundred Dollars, which judgment is recorded in Vol. 47, page 255, Abstract of Judgment Records, Criminal District

Court, Harris County, Texas; and also recovered judgment in Cause 47450, dated March 10, 1930, against the said Thomas Buckingham, et al., for Five Hundred Dollars, which judgment is recorded in Vol. 47, page 575, Abstract of Judgment Records, Harris County, Texas; and also recovered a judgment in Cause No. 55, dated June 28, 1930, against the said Thomas Buckingham, et al., for Three Hundred Dollars, which judgment is recorded in Vol. 48, page 461, Abstract of Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in Cause No. 56, dated June 28, 1930, against the said Thomas Buckingham, et al., for Three Hundred Dollars, which judgment is recorded in Vol. 48, page 462, Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in Cause No. 57, dated June 28, 1930, against the said Thomas Buckingham, et al., for Three Hundred Dollars, which judgment is recorded in Vol. 48, page 463 in the Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered a judgment in Cause No. 58, dated June 28, 1930, against the said Thomas Buckingham, et al., for Three Hundred Dollars, which judgment is recorded in Vol. 48, page 464, Abstract and Judgment Records, Criminal District Court No. 2, Harris County, Texas; and also recovered judgment in Cause No. 11486, dated June 28, 1930, against the said Thomas Buckingham, et al., for Three Hundred Dollars, which judgment is recorded in Vol. 48, page 468, Abstract and Judgment Records, Criminal District Court, Harris County, Texas; and also recovered judgment in Cause No. 11492, dated June 28, 1930, against the said Thomas Buckingham, et al., for Five Hundred Dollars, which judgment is recorded in Vol. 48, page 472, Abstract and Judgment Records, Criminal District Court, Harris County, Texas; and also recovered judgment in Cause No. 11494, dated June 28, 1930, against the said Thomas Buckingham, et al., for Three Hundred Dollars, which judgment is recorded in Vol. 48, page 473, Abstract and Judgment Records, Criminal District Court,

Harris County, Texas; and also recovered judgment in Cause No. 65, dated December 27, 1930, against the said Thomas Buckingham, et al., for Five Hundred Dollars, which judgment is recorded in Vol. 49, page 685, Abstract and Judgment Records, Criminal District Court, Harris County, Texas, all of which judgments have been abstracted in the office of the County Clerk of Harris County, Texas, and by reason thereof have created a lien against the lands described above and have passed a cloud upon the property; and

Whereas, Said note is still held by said Grand Lodge, is still unpaid, and is past due, and said liens held by it are first liens against said property and superior to the liens created against said property by the judgments above referred to, and the said Grand Lodge, in order to protect its interest, is now compelled to institute proceedings against the maker of said note, and in said proceedings pray for the foreclosure of its liens against said property and the sale of said property in accordance with law; and

Whereas, That the said purchaser at such sale may obtain a clear title to said property, it is necessary that the State of Texas may be made a party to said suit so that the State's right, interest and title in said property may be determined; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the Grand Lodge of the Order of the Sons of Hermann in the State of Texas be and is hereby granted permission to bring suit against the State of Texas, in a court of competent jurisdiction, in order to determine the priority of the liens and the various rights and interest in the above described property, and that service of citation or other necessary process may be had upon the Governor of Texas and the Attorney General of Texas with the same force and effect as in other civil cases.

FELLBAUM.

Read and referred to Committee on State Affairs.

**Bill Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of



the Senate, after its caption had been read, the billowing bill:

H. B. No. 18.

#### Free Conference Granted.

On motion of Senator Redditt, the Senate granted the request of the House for a Conference Committee on H. B. No. 54.

The Chair appointed the following on the part of the Senate:

Senators Pace, Woodul, Redditt, Purl and Patton.

#### House Bill No. 142.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 142, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery, Waller, Polk, and San Jacinto Counties, etc., and declaring an emergency."

#### Recess.

On motion of Senator Hopkins, the Senate, at 4:23 o'clock p. m., recessed until 10 o'clock tomorrow morning.

### APPENDIX.

#### Petitions and Memorials.

(Letter.)

Port Arthur, Texas,  
October 4, 1933.

Honorable W. R. Cousins,  
Care State Senate,  
Austin, Texas.

My dear Senator:

I see the House has passed a State Guaranty of Deposit bill for banks. I am in hopes the State will allow banks an option as to whether they sha'll be insured, as we are considering converting from a National bank to a State bank in order to avoid being compelled to pay losses of competitive banks.

We were a State Guaranty Fund bank in 1921, and had to pay an average of \$1,000.00 per day for the last 41 days we remained a State bank. The Texas Guaranty Fund would have compelled us to close our bank had we not converted to a National bank.

I am of the opinion insuring bank deposits will weaken or break all good banks if persisted in long enough. It is not right to compel

a well managed bank to pay losses of poorly managed banks.

Yours very truly,

GEO. M. CRAIG,  
President.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 21, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 34, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 41, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 56, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 64, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 53, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature during the fiscal years of 1933-34 and 1934-35 to be paid out of interest earned on the daily balances of 'paying fund of the Board of County and District Road Indebtedness'; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 131, A bill to be entitled "An Act appropriating \$25,000.00 to purchase anti-rabic serum for issuance to public health officers of cities and counties in this State, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendments, and that it be not printed.

HOLBROOK, Chairman.

#### Committee Amendment No. 1.

Amend H. B. No. 131, by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$25,000.00, of which amount \$12,500.00 shall be used for the construction of a building and for laboratory equipment for the purpose of manufacturing anti-rabies vaccine and \$12,500.00 shall be used for the purchase of anti-rabies vaccine and other biologicals on the open market until such time as the laboratory shall have been completed and the State Health De-

partment can manufacture said vaccine in its own laboratory. The anti-rabies vaccine purchased pursuant to this Act shall be issued to the health officers of the cities and counties of the State for the treatment of indigent persons who are exposed to the disease known as rabies."

#### Committee Amendment No. 2.

Amend the caption of H. B. No. 131 by adding after the words and figures "Twenty-five Thousand Dollars (\$25,000.00)" the following:

"to provide for the construction of a building and for laboratory equipment for the manufacture of anti-rabies serum and to."

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 72, A bill to be entitled "An Act creating a water conservation and reclamation district as a public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as 'The Colorado River Authority'; defining the territory of such district; prescribing the purpose, authority, powers and privileges of such corporation; providing for directors of such corporation, their term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, auditors, engineers, and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations, and encumbering and pledging the property of the corporation; providing for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COUSINS, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Sixty-eighth Congress of the United States of America, at its first session, which amendment empowers the Congress to limit, regulate and prohibit the labor of persons under eighteen years of age.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PURL, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 71, A bill to be entitled "An Act to amend Article 5155 Revised Civil Statutes 1925 as amended by the Regular Session of the Forty-third Legislature, 1933, providing for payment of wages semi-monthly; amending Article 5157 providing for penalty; repealing Article 5158 and Article 5159 Revised Civil Statutes 1925; excepting municipal corporations and wages earned in agricultural and stock raising pursuits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments Nos. 1 and 2, and that it be not printed.

PURL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 71 by striking out Section 3.

Committee Amendment No. 2.

Amend S. B. No. 71, by amending the caption to conform to the body of the bill after the provisions of Committee Amendment No. 1.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State

Highways and Motor Traffic, to whom was referred

S. B. No. 23, A bill to be entitled "An Act to regulate the business of transporting persons for hire or for compensation over the public roads, highways or bridges of the State of Texas, whether as a common carrier, contract or charter carrier, or as a transportation agency or travel bureau for obtaining a co-traveler or co-travelers to share the expense of a trip or to act as an intermediary in connection therewith as a broker for hire, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 27, A bill to be entitled "An Act to amend Chapter 2, of Title 116, of the Revised Civil Statutes of Texas, 1925, by adding to said chapter a new article to be known as 'Article 6711-A,' providing that upon application of ten (10) or more resident citizens of the Counties of Polk, Trinity, Angelina, Tyler, Walker, San Jacinto or Cherokee, or one person living within an enclosure of two thousand (2,000) acres or more in said counties, the commissioners court of said county shall open a road through said enclosure of land, or between different persons or owners of land, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, October 5, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was re-referred

S. B. No. 48, A bill to be entitled "An Act authorizing the State Comptroller of Public Accounts to prescribe and prepare forms to be used in all counties in the collection and disbursement of revenues, funds,

fees, and other moneys, and to prescribe the mode and manner of keeping and stating their financial accounts; authorizing the State Comptroller to make a survey and study of the financial records, reports, books and forms now in use by the counties of this State, and to make such revision and to prescribe such forms which may be necessary; and authorizing the State Comptroller to employ a certified public accountant for said purposes; making an appropriation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 110, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Red River County, except a seine or net of not less than two inch square mesh; or a minnow seine for the purpose of taking bait; providing a penalty; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 55, A bill to be entitled "An Act authorizing and empowering the State Highway Commission to pay out funds credited to the State Highway Fund premiums on surety bonds required by the Federal Government of the State Treasurer to secure funds advanced to the State of Texas under the National Industrial Recovery Act for expenditure by the State Highway Department

in the construction and improvement of State highways, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill or attempt to kill any wild turkey, Chachalaca or wild Mexican pheasant in the Counties of Guadalupe, Comal, Gonzales and Wilson for a period of five years; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 83, A bill to be entitled "An Act creating a closed season upon wild deer, buck, doe, fawn, wild turkey or pheasant for a period of five (5) years in the County of Erath, State of Texas, making it unlawful for any person to hunt, trap, ensnare, kill or attempt to kill by any means whatsoever, any wild deer, buck, doe, fawn, wild turkey or pheasant for a period of five (5) years; providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 103, A bill to be entitled "An Act providing for the pledging of local school funds from district taxes and other local sources to be used to pay the interest and sinking fund on a loan or loans from the Federal Government for certain purposes; authorizing the pledging of annual tax receipts by the Board of Trustees; authorizing the making of contracts with lenders upon certain terms; providing for a sinking fund for the loans so made; requiring a certain amount to be placed in the sinking fund and the greater amount where necessary; authorizing board of trustees to execute quitclaim deeds to school sites to the Federal Government; providing for the creation of lease contracts upon certain terms whereby the rent money becomes a part of the purchase price of school buildings and school property; providing that the boards of trustees of such school districts, as are provided for herein, are authorized to perform any and every act in any wise suggested or demanded by the Reconstruction Finance Corporation which may be necessary to obtain loans for the above purposes; providing for the final ownership of property by the school board; authorizing the boards of trustees to pledge local funds to pay rent; providing that a certain amount shall be paid each year; providing that the lease shall not extend for a term of more than thirty (30) years; providing that said Act shall be effective in all independent school districts containing not less than four hundred and fifty-five (455) and not more than five hundred and sixty-five (565) scholastics according to the latest approved census roll on file in the State Department of Education; and, providing that said school districts shall be located in counties containing a population of not less than fifteen thousand, six hundred and fifty (15,650) and not more than fifteen thousand, seven hundred and twenty (15,720) inhabitants according to the last Federal Census; repealing all laws or parts of laws in conflict herewith in so far as this Act is concerned and no further, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 54, A bill to be entitled "An Act amending Section Eight (8), Nine (9) and Ten (10) of Chapter 186, General Laws of Texas, Thirty-ninth Legislature, Regular Session, 1925. Said chapter providing for the construction and maintenance of State highways under the control of the State Highway Department regulating the making of highway contracts and providing for security therefor, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 65, A bill to be entitled "An Act amending Section 1 of Chapter 207, Acts of the Forty-third Legislature, so as to authorize the Highway Commission to institute condemnation proceedings on behalf of the State; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 142, A bill to be entitled "An Act creating the Special Ninth District Court of Montgomery County, Waller County, Polk County, and San Jacinto County, Texas, pre-

scribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Ninth Judicial District Court to said Special Ninth District Court and from said Special Ninth District Court to the Court of the Ninth Judicial District; providing for the appointment of an assistant district attorney to prosecute cases in said court, making an appropriation for his salary; providing for the District Clerks of Montgomery County, Waller County, Polk County, and San Jacinto County and their successors in office to be the Clerks for said Special Ninth District Court in their respective counties; providing a seal for said Special Ninth District Court; repealing all laws or parts of laws in conflict herewith; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. C. R. No. 27, A resolution granting permission to Honorable J. D. Campbell, Judge of the Sixtieth District Court of Jefferson County, Texas, to leave the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 69, A bill to be entitled "An Act creating Valley Conservation and Reclamation District embracing the Counties of Cameron, Hidalgo and Willacy; defining powers and purposes for which said district is created; providing for appointment of directors and defining their powers and duties; authorizing said district to contract with and to receive grants from the United States Government or any of its agencies or departments and with the State of Texas and its agencies and departments; making an appropriation to defray expenses of surveys, etc., authorizing State Departments of Reclamation and Health and the Texas Rehabilitation and Relief Commission to cooperate with, aid and assist said district, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 70, A bill to be entitled "An Act to authorize certain counties, cities, towns, independent school districts, common school districts, water improvement districts, water control and improvement districts, navigation districts, drainage districts, and other municipal corporations; and non-profit private corporations, authorized and existing under the Constitution and laws of this State, to borrow money, and to receive grants and other aid from the government of the United States, the Federal Emergency Administrator of Public Works, the Reconstruction Finance Corporation, the Federal Reserve Banks, and any and all other fiscal agencies of the government of the United States authorized to make loans or grants; authorizing the issuance of warrants, or other obligations of such corporations as evidence of such loans; authorizing the pledging of taxes and other prospective revenues, for which provision is made under the Constitution and laws of this State for the repayment

of such loans; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

COUSINS, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 64, A bill to be entitled "An Act defining 'machine gun' and 'person'; making it an offense to possess or use machine guns; making it an offense to sell, lease, barter, give, exchange, trade or cause to be sold, leased, given, bartered, exchanged or traded a machine gun to any person; providing penalty for possessing machine gun; providing penalty for selling, leasing, bartering, giving, exchanging, trading or causing to be sold, leased, given, bartered, exchanged or traded a machine gun to any person; providing exceptions where machine guns are sold to the military forces or peace officers of the United States or any political subdivision thereof, and the transportation thereof; providing exceptions when the possession of machine guns for scientific purposes or possession of machine guns not usable as a weapon and possessed as a curiosity, ornament or keepsake, and possession of machine guns by officials or employees of the State Prison System; providing exceptions where machine guns are sold, leased, bartered, exchanged or given the Adjutant General of the State of Texas, the Sheriff of any county, the Chief of Police of a municipality, the purchasing agent for the Texas State Prison System; the military forces or peace officers of the United States, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, October 5, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

H. B. No. 46, A bill to be entitled "An Act providing for the creation of discharged convicts revolving fund, amending Article 6166-M, as passed by the Fortieth Legislature, 1927, Chapter 212, Section 14, providing for the payment of money into said fund by the State Treasurer out of moneys remitted to him by the General Manager of the State Prison System; providing for reports of the condition of the discharged convicts revolving fund by the depositories, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PATTON, Chairman.

#### SIXTEENTH DAY (Continued).

Senate Chamber,

Austin, Texas,

October 6, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Woodward:

S. B. No. 82, A bill to be entitled "An Act relating to the time for holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county, amending Chapter 367 Acts of the Regular Session of the Forty-first Legislature, 1931, repealing laws in conflict therewith, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 83, A bill to be entitled "An Act amending Section 2 and Section 4 of Chapter 141 of the Laws of the Regular Session of the Forty-third Legislature, 1933, and declaring an emergency."